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BEFORE THE ARIZONA CORPORATION CO

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COMMISSIONERS

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WILLIAM A. MUNDELL
JEFF HATCH-MILLER
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2007 MAR -5 P 4: 39

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
EMPIRITA WATER COMPANY, L.L.C. FOR AN
OPINION AND ORDER AUTHORIZING AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-03948A-06-0490

JOINT EXCEPTIONS TO THE
THE RECOMMENDED OPINION
AND ORDER FOR PURPOSES
OF CLARIFICATION

Staff and counsel for the applicant have reviewed the Recommended Order and Opinion and have agreed to the following exception with respect of Finding of Fact No. 30.

The deleted text, starting at line 11, begins with the words "Empirita explained..." and ends with the words "...whether a drawdown of 10 to 25 feet is an impact." At the end of the next (currently fourth) sentence, which starts at line 16, which begins with the words "Empirita states that..." and ends with the words "...on the existing well" add a Footnote 2 reference. The remaining complete (currently fifth) sentence on line 17 of page 6 would be the last sentence (and the third, after the suggested deletions) in that paragraph.

The text of Footnote 2 would read as follows:

"The ADWR rule that Empirita's hydrology witness cited, A.A.C. R12-15-830, appears to have been replaced in August 2006, by A.A.C. R12-15-1302. However, as relevant to this proceeding, the rule change appears to have retained the '10 feet of additional drawdown over the first 5 years' standard relied upon by Empirita's hydrology witness for ascertaining whether a prohibited well impact would occur."

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Arizona Corporation Commission

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KLC

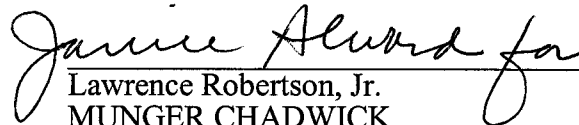
1 Staff and the applicant agree that the change is necessary to more accurately reflect the status
2 of the Arizona Department of Water Resources regulations regarding well spacing.

3 RESPECTFULLY submitted this 5th day of March, 2007.

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20 Original and thirteen (13) copies
21 of the foregoing were filed this
22 5th day of March, 2007, with:

23 Docket Control
24 Arizona Corporation Commission
25 1200 West Washington Street
26 Phoenix, Arizona 85007

27 Copy of the foregoing mailed this
28 5th day of March, 2007, to:

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